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MAR 24 1992

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March 23, 1992

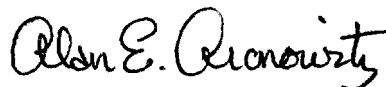
Ms. Donna R. Searcy
Secretary
Federal Communications
Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

Dear Ms. Searcy:

Transmitted herewith, in behalf of Staradio Corp. (formerly Portsmouth Broadcasting Corporation), licensee of KMON-FM, Great Falls, Montana, is an original and five copies of its "Petition for Rule Making and For Order Modifying License" seeking amendment of Section 73.202(b) of the Commission's rules to substitute Channel 233C for Channel 233C1 at Great Falls, Montana.

Should additional information be required with connection with this matter, kindly communicate with the undersigned.

Very truly yours,



Alan E. Aronowitz
Counsel for
STARADIO CORPORATION

AEA/mcl
Enclosures
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MAR 24 1992

BEFORE THE

Federal Communications Commission

Federal Communications Commission
Office of the Secretary

WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Great Falls, Montana)

MM Docket No.

RM -

TO: Chief, Mass Media Bureau

**PETITION FOR RULE MAKING
AND
FOR ORDER MODIFYING LICENSE**

Staradio Corp. ("Staradio"), licensee of KMON-FM, Great Falls, Montana, by its attorneys, and pursuant to Section 1.420(g) of the Commission's rules, hereby requests that the Commission issue a Notice of Proposed Rule Making looking toward the substitution of FM Channel 233C for 233C1 at Great Falls, Montana, and to concurrently modify the license for Station KMON-FM to specify operation on Channel 233C rather than Channel 233C1.¹ In support whereof, the following is shown:

¹ Presently outstanding is a construction permit (BPH-870024I0) authorizing the modification of the licensed facilities of KMON-FM, which, among other things, specifies operation on Channel 233C1. Following the legal disability of the previous licensee, the construction permit was canceled on March 22, 1991, but that action was set aside on June 4, 1991, to enable the subsequently approved receiver to file an application to reinstate the expired construction permit. Upon assumption of control of KMON-FM, Staradio filed an application (BPH-910611JK) to replace the expired construction, which is pending.

1. On June 1, 1991, Staradio (then Portsmouth Broadcasting Corporation) assumed control of KMON-FM pursuant to the Commission's previous grant of authority to assign the license (File No. BALH-901009EC). KMON-FM currently operates on Channel 233C1 at Great Falls, Montana, a channel specified in Section 73.202(b) of the rules, the FM Table of Allotments.

2. As demonstrated by the engineering exhibit attached hereto, prepared by the firm of Mullaney Engineering, Inc. of Gaithersburg, Maryland, Channel 233C can be allotted to Great Falls, Montana, in accordance with the Commission's spacing requirements from the reference points set forth therein. If this petition is granted, Staradio will make the appropriate application to upgrade its facilities, and if that application is granted, will so construct and operate those facilities.

3. A change in the channel allotted to Great Falls, Montana, will expand the potential coverage of KMON-FM to areas which would not otherwise receive its signal. This clearly will be in the public interest and will be a more efficient use of the spectrum.

4. Accordingly, Staradio Corp. requests that the license for KMON-FM be modified to specify operation on Channel 233C. This request is made in accordance with the Commission's action in its Report and Order in MM Docket No. 85-313, FCC 86-181, released April 29, 1986.

5. As permitted by Section 1.401(d) of the rules, a draft Notice of Proposed Rule Making is attached hereto.

WHEREFORE, the premises considered, it is respectfully requested that the Commission initiate a rule making proceeding looking toward the amendment of Section 73.202(b) of its rules, the FM Table of Allotments, to substitute Channel 233C for Channel 233C1 at Great Falls, Montana, and to concurrently modify the license of Station KMON-FM to specify operation on Channel 233C.

Respectfully submitted,

STARADIO CORPORATION

By: 

Alan E. Aronowitz
Its Attorney

March 23, 1992

c:\26004\petition

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MAR 24 1992

BEFORE THE

Federal Communications Commission Federal Communications Commission
Office of the Secretary

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No.
Table of Allotments,)	RM-
FM Broadcast Stations)	
(Great Falls, Montana))	

NOTICE OF PROPOSED RULE MAKING

Adopted: ; Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the Petition for Rule Making filed by Staradio Corp. ("Staradio"). Staradio is the licensee of Station KMON-FM, Channel 233C1, Great Falls, Montana. It requests the substitution of Channel 233C for its present Channel 233C1 and the concurrent modification of its license to specify operation on the higher power channel. Channel 233C can be allocated in compliance with the Commission's mileage separations and other technical requirements at the reference points proposed in its Petition.

2. In accordance with our established policy, we shall propose to amend the Table of Allotments and to modify the license of Station KMON-FM to specify operation on Channel 233C. This is consistent with our action Report and Order in MM Docket No. 85-313, FCC 86-181, released April 29, 1986, in which we specifically noted that we will allow stations to upgrade to a newly allotted superior class of channel. While the Commission will consider any technically feasible counter-proposal filed in response to a proposed allotment, such counter-proposals may not be inconsistent with the existence of the license for Channel 233C1 at Great Falls, Montana.

3. We believe that the public interest would be served by proposing the channel allocation as it could provide Great Falls, Montana, with this wide-coverage area commercial FM service. Accordingly, we propose to amend the FM Table of Allotments,

Section 73.202(b) of the Rules, for the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Great Falls, Montana	210C3, 215C1, 225C1, <u>233C1</u> , 255C1, 262C, 291C1, 297C	210C3, 215C1, 225C1, <u>233C</u> , 255C1, 262C, 291C1, 297C

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing a continuing interest is required by paragraph 2 of the Appendix before a channel will be allocated.

5. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner as follows:

Alan E. Aronowitz, Esq.
Baraff, Koerner, Olender & Hochberg, P.C.
5335 Wisconsin Avenue, NW, Suite 300
Washington, D.C. 20015-2003

(Counsel for Staradio Corp.)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply To Rule Makings to Amend Section 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.
7. For further information concerning this proceeding, contact _____, Mass Media Bureau, 202/____-____. However,

members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comments which have not been served on the petitioner constitute an ex parte presentation and shall not be considered in the proceeding. Any reply comments which have not been served on the person(s) who filed the comments, to which the reply is directed, constitute an ex parte presentation and shall not be considered in the proceeding.

Federal Communications Commission

Chief, Policy and Rules Division
Mass Media Bureau

Attachment: Appendix
c:\26004\notice

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E.

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

301 921-0115

ENGINEERING EXHIBIT RM:

**STARADIO CORP.
RADIO STATION KMOM-FM
GREAT FALLS, MONTANA
SUBSTITUTION OF FM CHANNEL 233C FOR 233C1**

MARCH 18, 1992

**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE FM TABLE OF ASSIGNMENTS**

**ORIGINAL
SIGNATURE**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT RM:

**STARADIO CORP.
RADIO STATION KMOM-FM
GREAT FALLS, MONTANA
SUBSTITUTION OF FM CHANNEL 233C FOR 233C1**

TABLE OF CONTENTS:

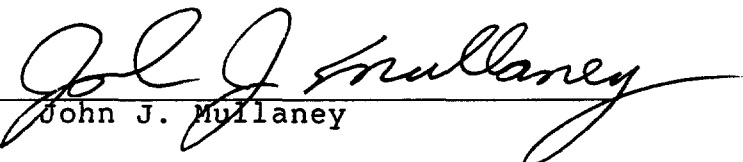
1. Declaration of Engineer
2. Narrative Statement.
3. Figure 1, Channel Allocation Study for Ch. 233C.
from the Requested Reference Coordinates.
4. Figure 2, Area Map for Ch. 233C.

MULLANEY ENGINEERING, INC.

DECLARATION

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Staradio Corp., licensee of Radio Station KMON-FM at Great Falls, Montana, to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney

Executed on the 18th day of March 1992.

ENGINEERING EXHIBIT RM:

**STARADIO CORP.
RADIO STATION KMON-FM
GREAT FALLS, MONTANA
SUBSTITUTION OF FM CHANNEL 233C FOR 233C1**

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Staradio Corp., licensee of Radio Station KMON-FM at Great Falls, Montana. The purpose of this statement is to support a request that the FM Table of Assignments be amended to substitute Ch. 233C for 233C1 at Great Falls, Montana.

KMON-FM wishes to point out that the upgrade it seeks is on its existing channel and, therefore, it is not necessary to demonstrate the availability of an additional equivalent channel in this type of proceeding in accordance with Section 1.420(g) of the rules.

It should be noted that the area in question is within 290 kilometers (180 miles) of a U.S. Border and, therefore, foreign concurrence is required.

II. ENGINEERING DISCUSSION:

A. Proposed Site:

KMON-FM proposes to locate on at Tiger Butte which is approximately 45 kilometers south-southeast of Great Falls, Montana. Because of required separations and FAA constraints, KMON-FM requests that this site be used as a special reference point for the allocation.

The following geographic coordinates are for an existing tower which has a base elevation of 7000 feet AMSL:

Latitude: 47° 09' 34"
Longitude: 111° 00' 39"

The proposed site will provide an unobstructed view of the City of License, Great Falls, Montana and is located close enough to serve the entire Community with the required 3.16 mV/M contour (see Figure 2).

B. Channel Allocation Study:

Figure 1 is a Channel Allocation Study from the Special Reference Point proposed herein which indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Applications, and pending Rule Makings. From this study it can be determined that the proposed special reference point exceeds all of the minimum separations.

Figure 2 is a map which illustrates the proposed special reference coordinates, the existing licensed site and the limits of Great Falls, Montana. As can be seen, the western most portion of Great Falls is 50 kilometers from the special reference point

**Radio Station KMON-FM
Substitution of Ch. 233C for 233C1**

MULLANEY ENGINEERING, INC.

requested herein. Inasmuch as an HAAT of 600 meters places a city grade 70 dBu contour at a distance of 71 kilometers, there is no doubt that the required city grade service will be provided from this special reference site.

C. Public Interest Showing:

KMON-FM currently operates with 36 KW at 143 meters and holds a C.P. for 51 KW at 144 meters. The present location is prevented from exceeding the minimum Class C HAAT of 300 meters due to zoning, FCC spacing restrictions and FAA limitations. The proposed substitution of Ch. 233C will permit KMON-FM to locate in an area which will achieve maximum Class C HAAT. KMON-FM presently serves 82,100 persons with its existing facilities while the special reference point at an HAAT of 600 meters will permit service to 93,500 persons based upon the 1980 census.

The above figures indicate that the proposed substitution will result in a net increase in service to 11,400 persons.

Based upon the above reasons KMON-FM believes that the requested channel substitution is in the Public Interest and therefore, should be granted by the Commission.

**Radio Station KMON-FM
Substitution of Ch. 233C for 233C1**


MULLANEY ENGINEERING, INC.

III. SUMMARY:

Staradio Corp., licensee of Radio Station KMON-FM requests that the FM Table of Assignments be amended to substitute FM Channel 233C for 233C1 at Great Falls, Montana.

City	Present	Proposed
Great Falls, Montana	210C3, 215C1 225C1, 233C1 255C1, 262C 291C1, 297C	210C3, 215C1 225C1, 233C 255C1, 262C 291C1, 297C

March 18, 1992.


John J. Mullaney

***** FM CHANNEL STUDY NO. 1 - MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND - 17-MAR-92 09:42:00 *****
 ***** LAST UPDATE: 920316 *****

KMON-FM 233 C FR POLARIZATION ERP (KW) HAAT RCMASL
 GREAT FALLS MT US HOR PLN BM TILT (METER) (METER)
 47.0934 111.0039 (D.MSS) HORIZONTAL 100.000 0.000 600.3 2158
 VERTICAL 100.000 0.000 600.3 2158

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 100.000 (KW) 20.0 (DBK) HAAT= 600.1 (METERS)

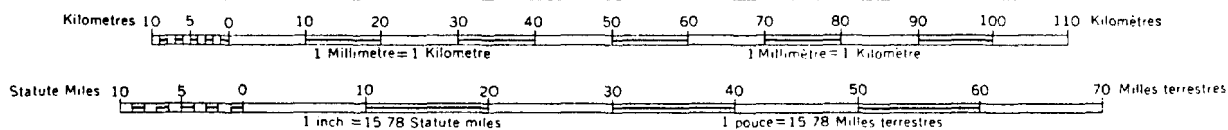
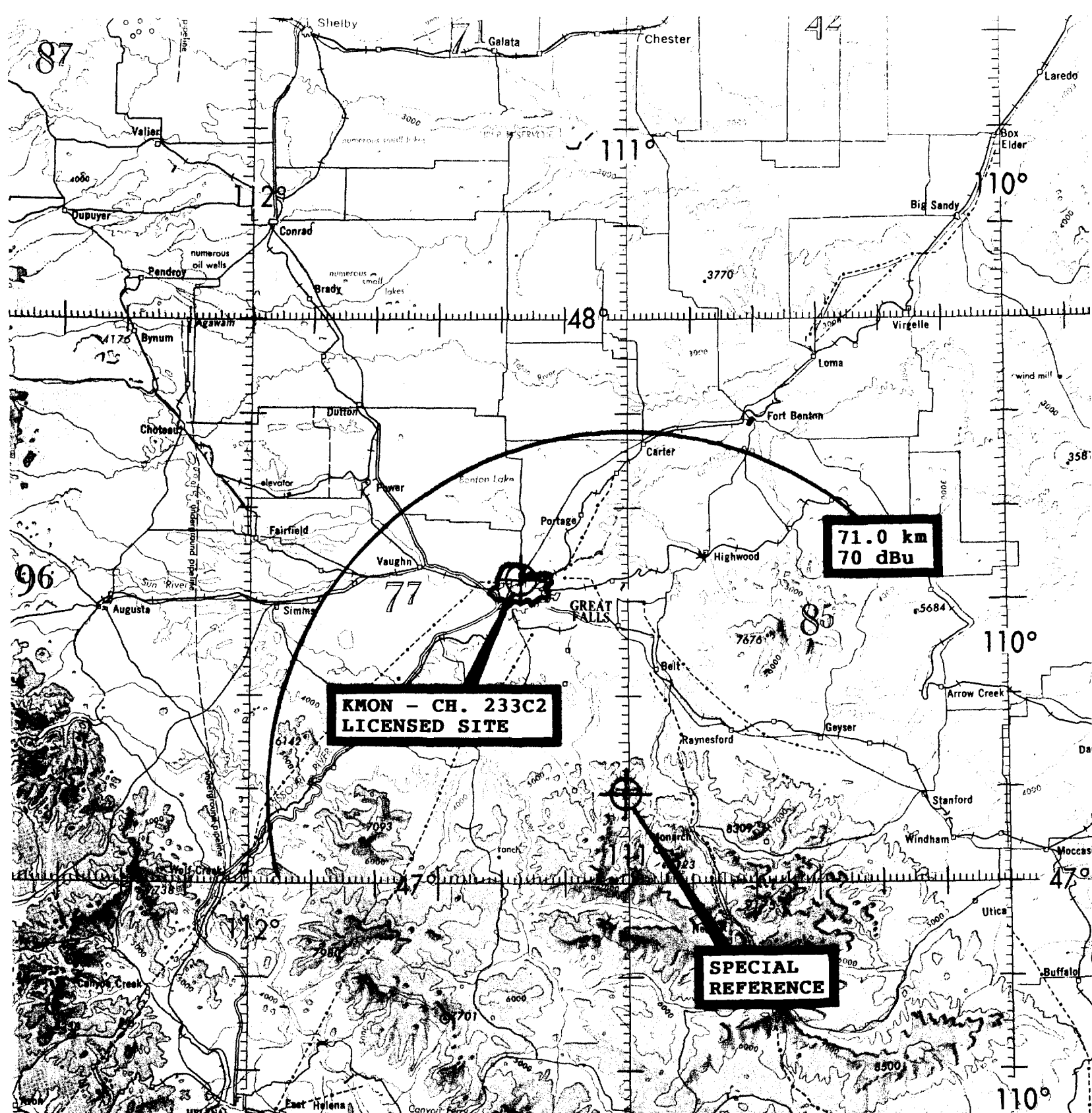
INTERFERING	DOMESTIC	CANADIAN	AZIMUTH	HAAT	HAAT	CONTOURS (KM)
	DBU KM	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU 60 DBU 58 DBU
CO CHANNEL (40.0)	197.8	(38.0) 141.4	0.0	760.6	2495.5	73.5 98.0 103.7
1ST ADJACENT (54.0)	136.6	(52.0) 69.5	45.0	785.8	2577.9	74.3 99.0 104.8
2ND ADJACENT (80.0)	50.4	(78.0) 11.4	90.0	678.5	2226.1	70.6 94.8 100.0
3RD ADJACENT (100.0)	13.7	(98.0) 3.5	135.0	513.7	1685.4	63.1 87.5 92.1
			180.0	393.4	1290.7	55.9 79.3 83.9
			225.0	329.3	1080.5	52.0 74.6 79.2
PROTECTED (60.0)	91.8	(58.0) 96.7	270.0	649.5	2130.9	69.6 93.7 98.8
			315.0	690.1	2264.0	71.1 95.3 100.5
CITY GRADE (70.0)	67.7		AVERAGE	600.1	1968.9	67.7 91.8 96.7

THE CANADIAN BORDER IS 204.7 KM ON A BEARING OF 0.0 DEG. TRUE

AZIMUTH	ERP (KW)	HAAT	D I-CON	P-CON	INTE	PROT	REZLT
FROM TO CALL STS FILE NUMBER CITY ST C (D.MSS) REL CHN	HORZ VERT	(N)	F5010 F5050	DIST RSEP	RSEP IR IC		
	(KM) (KM)	(KM) (KM)	(KM) (KM)	(KM)	(KM)		
333.9 153.7 KMONFM LIC BLH5661 Great Fal MT A 47.3209 111.1702 CO 233C2	36.H 36.V	143		46.7 249.	-		
333.9 153.7 KMONFM CP BPH870224IO Great Fal MT A 47.3209 111.1702 CO 233C1	51.H 51.V	144		46.7 270.	-		
COMMENTCP forfeited 910329-Pet for recon 910403-Order rescinded							
40.7 221.6 KXEI LIC BLH831011AR Havre MT A 48.1042 109.4121 3RD 236C	100.B100.B	518		150.6 105.			

CHANNEL STUDY - 233C
 RADIO STATION KMON-FM
 GREAT FALLS, MONTANA
 SUBSTITUTION OF 233C FOR 233C1

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND
 FIGURE 1
 MARCH 1992



AREA MAP - CH. 233C
RADIO STATION KMON-FM
GREAT FALLS, MONTANA
SUBSTITUTION OF 233C FOR 233C1

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 2
MARCH 1992